

Kenya Gazette Supplement No. 113 (National Assembly Bills No. 24)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2013

NAIROBI, 2nd August, 2013

CONTENT

Bill for Introduction into the National Assembly—

	PAGE
The Constituencies Development Fund (Amendment) Bill, 2013	737

**THE CONSTITUENCIES DEVELOPMENT FUND
(AMENDMENT) BILL, 2013**

A Bill for

**AN ACT of Parliament to amend the
Constituencies Development Fund Act, 2013**

ENACTED by the Parliament of Kenya, as follows

1. This Act may be cited as the Constituency Development Fund (Amendment) Bill, 2013.

Short title.

2. The Constituency Development Act (in this Act referred to as "the principal Act" is amended in section 4 by deleting subsection (2).

Amendment of section 2 of No. 30 of 2013.

3. Section 20 of the principal Act is amended by deleting the word "joint" appearing in subsection (2).

Amendment of section 20 of No. 30 of 2013.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Constituency Development Fund Act, 2013 so as to clarify that the Constituency Development Fund is not additional revenue to the county governments under Article 202 (2) of the Constitution as erroneously stipulated in the Act. The spirit of the Act is that the Fund be administered at the constituency level as it arises from the powers conferred upon Parliament by Article 206(2) (c) of the Constitution to impose a charge on the Consolidated Fund.

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

The Bill does not concern county governments in terms of Article 109(3) of the Constitution and it does not affect the functions and powers of county governments recognized in the Fourth Schedule of the Constitution.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

The enactment of this Bill will not result in additional expenditure of public funds.

Dated the 2nd August, 2013.

MOSES LESSONET,
Chairperson,
Constituency Development Fund Committee.

Section 4 which it is proposed to amend:

4 (1) There is established a fund to be known as the Constituencies Development Fund which shall—

- (a) be a national fund consisting of moneys of an amount of not less than 2.5% (two and half per centum) of all the national government ordinary revenue collected in every financial year;
- (b) comprise of any moneys accruing to or received by the Board from any other source;
- (c) disbursed by the national government through the Board to constituencies as a grant to be channeled to constituencies in the manner provided for by this Act;
- (d) be administered by the Board;

(2) All moneys allocated under this Act is additional Revenue to the county governments under Article 202 (2) of the Constitution to be administered according to section 5.

(3) The Fund established under this section shall be the successor to the Constituencies Development Fund established by section 4 of the Constituencies Development and Act, 2003.